REMARKS/ARGUMENTS

Applicant has carefully reviewed and considered the Office Action mailed on June 8, 2006, and the references cited therewith.

No claims are amended, cancelled, or added. Claims 9-12, 17-19, and 32-43 are withdrawn, as a result claims 1-43 are now pending in this application.

§ 102 Rejection of the Claims

Claims 1-4, 6-8, 20-21, and 25 were rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 5,749,052 to Hidem, et al. (hereinafter "Hidem"). Applicant respectfully traverses the rejection as follows.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. In addition, the disclosure must teach the identical invention in as complete detail as is contained in the claim, and must teach each and every claim element arranged as in the claim.

Claims 1-4, 6-8, 20-21, and 25

Claims 1-4, and 6-8

Applicant respectfully submits Hidem does not teach the identical invention in as complete detail as is contained in claim 1. For example, Hidem does not teach, besides other things, a wireless device that is operable to provide a wireless connection based upon a plan having a predetermined number of available units, wherein plan usage is tracked by a provider through use of a calculation method utilizing unit calculations that are not equal to exact time usage to decrement available units, and where the device is operable to emulate the calculation method of the provider in order to track the remaining available units on the device, as provided in claim 1.

In contrast, the Hidem reference appears to describe a cellular telephone including a controller, where "the controller includes a memory for storing call rate information indicative of rates charged for the cellular communications and a timer

providing a timing signal which is indicative of a time during which a cellular communication takes place." (Col. 2, lines 7-11) Hidem also appears to teach that the controller "tracks an amount of currency to be charged for the cellular communications based on the call rate information and the timer signal." (Col. 2, lines 11-14). Hidem then goes on to teach that "an administrator station is provided which includes a second controller so the administrator station can read information from the cellular telephone and program information into the cellular telephone from a remote location." (Col. 2, lines 14-18).

However, the Hidem reference does not appear to describe a device that provides a wireless connection based upon a plan having a predetermined number of available units, where plan usage is tracked by a provider through use of a calculation method utilizing unit calculations that are not equal to exact time usage to decrement available units, as provided in claim 1. Nor does the Hidem reference appear to describe that the device is operable to emulate the calculation method of the provider in order to track the remaining available units on the device, as provided in claim 1. Rather, Hidem appears to teach a controller that stores call rate information and tracks the amount of currency to be charged based on the call rate information and the timer signal.

In addition, the Examiner states that "an administrator station is provided for loading a threshold amount of currency into the cellular telephone, reading on the claimed "the device is operable to provide a wireless connection based upon a plan having a predetermined number of available units, wherein plan usage is tracked by a provider through use of a calculation method utilizing unit calculations that are not equal to exact time usage to decrement available units; and wherein the device is operable to emulate the calculation method of the provider in order to track the remaining available units on the device, . . ." However, Hidem teaches that the controller tracks the amount of currency to be charged for the cellular communications based on the call rate information and the timer signal, and the administrator station reads information from the cellular telephone and can program information into the cellular telephone from a remote location.

The Hidem reference does not appear to teach that a provider (i.e., administrator station) tracks plan usage through use of a calculation method utilizing unit calculations that are not equal to exact time usage to decrement available units, and the device (i.e., controller) is operable to emulate the calculation method of the provider in order to track the remaining available units on the device, as provided in claim 1.

As such, the Applicant respectfully submits that each and every limitation of Applicant's independent claim 1 is not shown by the Hidem reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the §102 rejection of independent claim 1 as well as those claims that depend therefrom.

Claims 20-21, and 25

Applicant respectfully submits Hidem does not teach the identical invention in as complete detail as is contained in claim 20. For example, Hidem does not teach, besides other things, a wireless network operable to provide a wireless connection based upon a plan having a number of available units, wherein plan usage is tracked by the wireless network by utilizing a set of executable instructions operable to use a calculation method that uses unit calculations that are not equal to exact time usage to decrement available units and a wireless device that includes a set of executable instructions operable to emulate the calculation method of the provider to track the remaining available units, as provided in independent claim 20.

As noted above, Hidem appears to teach a controller that can track an amount of currency to be charged for cellular communications based on call rate information and a timer signal and an administrator station, including a second controller to read information from the cellular telephone and program information into the cellular telephone from a remote location. (Col. 2, lines 22-18) However, Hidem does not appear to teach a wireless device that can emulate a calculation method of a provider to track the remaining available units, as provided in claim 20. In addition, Hidem does not appear to teach a calculation method that uses unit

calculations that are not equal to exact time usage to decrement available units, as provided in claim 20.

As such, the Applicant respectfully submits that each and every limitation of Applicant's independent claim 20 is not shown by the Hidem reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the §102 rejection of independent claims 20 as well as those claims that depend therefrom.

Claims 13, 14, and 27-29

Claims 13, 14, and 27-29 were rejected under 35 USC §102(b) as being anticipated by Ephraim, et al. (U.S. Publ. No. 2004/0077332).

Claims 13 and 14

Applicant respectfully submits that Ephraim does not teach the identical invention in as complete detail as is contained in claim 13. For example, Ephraim does not teach, besides other things, a wireless device that is operable to transmit a first type of wireless communication to a first provider and a second type of wireless communication to a second provider, as provided in claim 13.

The Ephraim reference appears to describe a system for providing a prepaid data transfer service to a subscriber through a wireless device. As noted by the Examiner, the Ephraim reference appears to teach that a subscriber can prepay for services, and next, the subscriber uses a wireless device to access data services, such as SMS or the Internet. (paragraph 30) The Ephraim reference goes on to describe a prepaid billing system that intercepts the request for access and determines how the data traffic should be handled. (paragraphs 30-31) The Ephraim reference appears to teach that the data traffic is allowed based on the remaining account balance of the subscriber and, optionally, the nature of the traffic. (paragraph 31) In addition, the Ephraim reference appears to contemplate that the wireless device can be used and programmed to control or manage the prepaid billing. (paragraph 31)

The Ephraim reference, however, does not appear to teach a device that is operable to transmit a first type of wireless communication to a first provider and a second type of wireless communication to a second provider, as provided in claim

13. Nor does the Ephraim reference appear to teach that the wireless connections are based upon a predetermined number of units to be used and that the usage is determined by the first and second providers that determine a number of remaining units through use of a calculation method, and that the wireless device includes a set of executable instructions operable to emulate the calculation method of the first provider, as provided in claim 13. Rather, Ephraim appears to teach a prepaid billing system that intercepts a wireless communication to access data services and then allows the access based on the remaining account balance of the subscriber.

As such, the Applicant respectfully submits that each and every limitation of Applicant's independent claim 13 is not shown by the Ephraim reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the §102 rejection of independent claim 13 as well as those claims that depend therefrom.

Claims 27-29

Applicant respectfully submits the Ephraim reference does not teach the identical invention in as complete detail as is contained in claim 27. For example, the Ephraim reference does not teach, besides other things, assigning a first number of available units of access to a wireless connection to be decremented based upon usage during a first time interval and assigning a second number of available units of access to a wireless connection to be decremented based upon usage during a second time interval, as provided in claim 27.

As noted above, the Ephraim reference appears to teach a prepaid billing service that intercepts access to a data service, such as Internet or SMS. (paragraph 30) The Ephraim reference also appears to teach that the prepaid billing service works by calculating debits in terms of "tokens", which are arbitrary internal units for charging data transfer. (paragraph 31) The Ephraim reference goes on to teach that the value of the "tokens" is converted to a monetary value for debiting the account of the user. (paragraph 32)

The Ephraim reference also appears to teach that the value of the "tokens" can change based on what time of day it is. One example included in the Ephraim

reference is that "on weekends and holidays tokens can be valued at 30 tokens for $1.00, whereas nights can be valued at 30 tokens for $1.00 and daytime/weekday tokens can be valued at 20 tokens for $1.00." (paragraph 55) However, the Ephraim reference does not appear to teach assigning a first number of available units of access to a wireless connection to be decremented based upon usage during a first time interval and assigning a second number of available units of access to a wireless connection to be decremented based upon usage during a second time interval, as provided in claim 27.

Instead, it appears that the Ephraim reference teaches a way to value a "token" differently based upon the time that access to a wireless connection occurs. In this way, it appears that the Ephraim reference teaches that all wireless access is determined by the amount of "tokens" that the subscriber has in his or her account. The Ephraim reference, therefore, does not appear to teach assigning a first number of available units to be decremented based upon usage during a first time interval, and a second number of available units to be decremented based upon usage during a second time interval, as provided in claim 27.

As such, the Applicant respectfully submits that each and every limitation of Applicant's independent claim 27 is not shown by the Ephraim reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the §102 rejection of independent claim 27 as well as those claims that depend therefrom.

§103 Rejection of the Claims

Claims 5, 22-24, and 26 were rejected under 35 USC §103(a) as being unpatentable over Hidem, et al. (U.S. Patent No. 5,749,052) in view of Segal, et al. (U.S. Patent No. 6,167, 251).

As discussed above for the §102 rejections, the Hidem reference does not support a proper §102 rejection of independent claims 1 and 20. As claim 5 is a dependent claim of independent claim 1, and claims 22-24, and 26 are dependent

claims of independent claim 20, the §103 rejection of claims 5, 22-24, and 25 should be withdrawn.

Based on the forgoing, Applicant respectfully requests reconsideration and withdrawal of the §103 rejections of claims 5, 22-24, and 25.

Claims 15 and 16 were rejected under 35 USC §103(a) as being unpatentable over Ephraim, et al. (U.S. Publ. No. 2004/0077332) in view of Bagoren, et al. (U.S. Patent No. 6,934,529).

As discussed above for the §102 rejections, the Ephraim reference does not support a proper §102 rejection of independent claim 13. As claims 15 and 16 are dependent claims of independent claim 13, the §103 rejection of claims 15 and 16 should be withdrawn.

Based on the forgoing, Applicant respectfully requests reconsideration and withdrawal of the §103 rejections of claims 15 and 16.

Claims 30-32 were rejected under 35 USC §103(a) as being unpatentable over Ephraim, et al. (U.S. Publ. No. 2004/0077332) in view of Hidem, et al. (U.S. Patent No. 5,749,052).

As discussed above for the §102 rejections, the Ephraim reference does not support a proper §102 rejection of independent claim 27. As claim 30-32 are dependent claims of independent claim 27, the §103 rejection of claims 30-32 should be withdrawn.

Based on the forgoing, Applicant respectfully requests reconsideration and withdrawal of the §103 rejections of claims 30-32.

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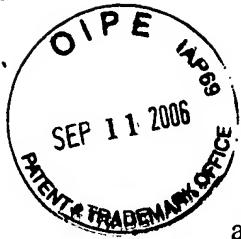
CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 236-0121 to facilitate prosecution of this matter.

CERTIFICATE UNDER 37 CFR §1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to:. **MS AMENDMENT** Commissioner of Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this _5th_ day of _September_, 2006.

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